

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

TIMOTHY HICKMAN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 11-00620-CV-W-DGK
	)	
BILL HAGAR,	)	
	)	
Defendant.	)	

**JUDGMENT**

On February 6, 2012 Plaintiff Tim Hickman appeared in person and by his attorney, John E. McKay. Defendant Bill Hager appeared in person and by his attorney John Kellogg. Mr. Hickman testified in person. Mr. Hager testified in person. The following exhibits were admitted into evidence:

Exhibit 1	Centerpoint Hospital bills:	\$11,413.40
Exhibit 2	Centerpoint Hospital records	
Exhibit 3	Dr. Vega, D.D.S. records/bills:	\$463.00
Exhibit 4	OHS CompCare records	
Exhibit 5	Dr. Colyer bills:	\$4,303.00
Exhibit 6	Dr. Colyer records	
Exhibit 7	North Kansas City Hospital bills:	\$31,319.24
Exhibit 8	North Kansas City Hospital records	
Exhibit 9	OH Compcare bills:	\$158.55
Exhibit 10	Dr. White, D.D.S. bills:	\$250.00
Exhibit 11	Dr. White, D.D.S. records	
Exhibit 12	UMKC School of Dentistry records and bills:	\$1,155.00
Exhibit 13	Sabates Eye Group bills:	\$444.00
Exhibit 14	Sabates Eye Group records	
Exhibit 15	North Kansas City Hospital records Vol. II	
Exhibit 16	Dr. Bene 7/16/10 report	
Exhibit 17	Wage Verification (9/11/08 to 12/4/08 = 13 weeks Earned \$7,608.00 ÷ 13 = \$585.23 AWW x 51 weeks December 5, 2008 to November 25, 2009 off work due to fall. Ex. 29, p. 9)	
Exhibit 18	DVD of 12/5/08 fall	
Exhibit 19	Dr. Lausten 11/8/10 medical report	

Exhibit 20	Dr. Koprivica report 10/12/10	
Exhibit 21	Dr. Koprivica report 11/22/10	
Exhibit 22	Dr. Norman Smith endodontist records and bills:	\$1,730.00
Exhibit 23	Dr. Lausten records	
Exhibit 24	Dr. Lausten bills:	\$196.53
Exhibit 25	Mortality table	
Exhibit 26	Dr. Leonard Lausten resume	
Exhibit 27	X-rays 12/29/10 Dr. Taylor	
Exhibit 28	Western Missouri Radiology bills:	\$617.00
Exhibit 29	Dr. Koprivica Deposition	
Exhibit 30	Bill Hager Deposition	
Exhibit 31	Summary	
Exhibit 32	Settlement Agreement	

Being advised in the premises and after considering the evidence, the Court makes the following findings and enters final judgment as follows:

1. Tim Hickman is a resident of Blue Springs, Jackson County, Missouri.
2. McKeever Enterprises, Inc. (hereinafter called MEI) is a Missouri corporation doing business in Jackson County, Missouri.
3. Bill Hager is a resident of Olathe, Kansas who at all times material hereto was employed by and acting in the ordinary scope and course of his employment as a store manager for MEI.
4. On December 5, 2008 in Independence, Jackson County, Missouri, Bill Hager, as the supervisor of Tim Hickman on the premises of MEI, was negligent in affirmatively causing or increasing the risks of injury to Tim Hickman in the following regards:

- (a) placing Tim Hickman on a pallet not designed for a human to stand on;
- (b) placing the pallet with Tim Hickman on it on a forklift;
- (c) elevating Tim Hickman with the forklift while Tim Hickman was standing on the pallet; and

- (d) leaving the forklift after elevating the pallet with Tim Hickman on it.

5. As a direct and proximate result of the affirmative actions of Bill Hager, Tim Hickman fell and thereby received severe injuries of a permanent and progressive nature including but not limited to the following:

- a. Fracture anterior wall right maxillary sinus.
- b. Fracture medial wall right maxillary sinus.
- c. Fracture posterior wall right maxillary sinus.
- d. Fracture lateral wall right maxillary sinus.
- e. Comminuted fracture right Pterygoid plates.
- f. Fracture of body of right Zygoma.
- g. Fracture of maxilla involves nasal spine of maxilla and extends into the posterior aspect of body of maxilla especially on right side.
- h. Fracture anterior aspect of right palate.
- i. Fracture anterior wall left maxillary sinus.
- j. Fracture body of right mandible inferior to mandibular neck.
- k. Fracture left nasal process of maxilla.
- l. Fracture right nasal process of maxilla.
- m. Fracture right cortical.
- n. Comminuted and subluxed right maxillary walls fractures.
- o. Unstable free floating LeFort fracture segments that were more extensive than appeared on CT scan.
- p. Fractures alveolar ridge on right.

- q. Shattered right orbital floor.
- r. Multiple displaced fractures right inferior orbital wall.
- s. Diplopia from facial fractures.
- t. Hypertropia.
- u. Strabismus both eyes.
- v. Two front teeth knocked out.
- w. Multiple fractured teeth.
- x. A lot of loose teeth on right upper arch.
- y. Significant malocclusion. Significantly permanently damaged occlusion.
- z. Malocclusion on both right and left due to maxillary fracture not able to  
correct completely with surgery.
- aa. Completely avulsed right upper lateral incisor.
- bb. Hemorrhage in both maxillary sinuses.
- cc. Lacerations right side of face.
- dd. 1 cm laceration on nuchal aspect right upper lip.
- ee. Lost/damaged teeth
  - 1. Maxillary right second bicuspid requiring future bone graft and  
implant.
  - 2. Maxillary right lateral incisor plus loss of alveolar bone  
requiring root canal but ongoing fistula and need for  
future implant.

3. Maxillary right central incisor initial partial avulsion with subsequent lost nerve vitality and resorption requiring root canal and need for future implant.
  4. Maxillary left central incisor partial avulsion.
  5. Maxillary right canine with alveolar bone loss, partial avulsion, and lost innervation requiring future bone graft.
  6. Maxillary right first bicuspid with partial avulsion and lost innervation.
  7. Maxillary left second bicuspid fractures of coronal aspects requiring interim restoration with amalgam and composite filling requiring future root canal.
  8. Maxillary left central incisor fractures of coronal aspects.
- ff. Trigeminal nerve damage of infraorbital branch causing lost innervation and loss of adequate blood supply for multiple teeth. Ex. 19, p. 1
- gg. Bilateral TMJ Syndrome. Ex. 19, p. 1

Said injuries have caused pain, suffering, loss of quality of life, disfigurement, lost wages, past and future medical bills.

ACCORDINGLY IT IS HEREBY ORDERED AND DECREED THAT JUDGMENT IS ENTERED IN FAVOR OF TIMOTHY HICKMAN AND AGAINST BILL HAGER IN THE AMOUNT OF SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00) PAYABLE FORTHWITH WITH EACH PARTY TO PAY HIS OWN COSTS.

Date: February 15, 2012

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT